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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report of the Secretary-General

SUMMARY

In its resolution 38/14 of 22 November 1983, the General Assembly proclaimed the Second Decade to Combat Racism and Racial Discrimination and requested the Economic and Social Council to take charge, with the help of the Secretary-General, of coordinating the implementation of the Programme of Action for the Decade and of evaluating the activities undertaken. The Council in paragraph 6 of its resolution 1985/19, requested the Secretary-General to submit annual reports on the implementation of the Programme of Action. In paragraph 6 of its resolution 1992/13, the Council requested the Secretary-General to continue with the implementation of the activities for the period 1990-1993, according the highest priority to measures to combat apartheid. In paragraph 16 of that resolution, the Council also requested the Secretary-General to prepare a draft programme of action for the third decade and to submit it to the General Assembly at its forty-seventh session, taking into account, inter alia, the elements of the Programme of Action for the Second Decade that had not yet been completed.

At its forty-seventh session, the General Assembly took note of the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and the launching of a third decade (A/47/432). After considering this report, the General Assembly, in its resolution 47/77, requested the Secretary-General to submit to it a [new] draft programme of action for consideration at its forty-eighth session.

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* E/1993/100.

This report contains information on the concluding activities of the Second Decade undertaken by the United Nations bodies and the programme of action for the launching of a third decade, revised in the light of comments from the General Assembly, the Commission on Human Rights and the Committee on Racial Discrimination.

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INTRODUCTION

The General Assembly, in its resolution 38/14 of 22 November 1983, proclaimed the 10-year period beginning on 10 December 1984 the Second Decade to Combat Racism and Racial Discrimination. The General Assembly also approved the Programme of Action for the Second Decade annexed to the resolution, and called upon all States to cooperate in its implementation. The General Assembly also requested the Economic and Social Council to take charge, with the help of the Secretary-General, of coordinating the implementation of the Programme of Action and of evaluating the activities undertaken during the Second Decade.

The Programme of Action for the Second Decade covers, inter alia: action to combat apartheid; education, teaching and training; dissemination of information and the role of the mass media in combating racism and racial discrimination; measures for the promotion and protection of the human rights of persons belonging to minority groups, indigenous populations and peoples and migrant workers who are subjected to racial discrimination; recourse procedures for victims of racial discrimination; implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and related international instruments; national legislation and institutions; seminars and studies; action by non-governmental organizations; and international cooperation.

In paragraph 6 of its resolution 1985/19, the Economic and Social Council requested the Secretary-General to submit annual reports on the implementation of the Programme of Action for the Second Decade and, in paragraph 6 of its resolution 1992/13, also requested him to continue with the implementation of the activities of the Second Decade for the period 1990-1993, according the highest priority to measures to combat apartheid.

In paragraph 16 of that resolution, the Council also requested the Secretary-General to prepare a draft programme of action for the third decade and to submit it to the General Assembly at its forty-seventh session, taking into account, inter alia, the elements of the Programme of Action for the Second Decade that have not yet been completed.

This report describes the latest activities undertaken for the Second Decade to Combat Racism and Racial Discrimination and proposals for the launching of the third Decade.

I. CONCLUDING ACTIVITIES OF THE SECOND DECADE

A. Subcommission on Prevention of Discrimination and Protection of Minorities

1. During its forty-fourth session (3-28 August 1992), the Subcommission on Discrimination and Protection of Minorities discussed a number of matters relating to the Second Decade. The Subcommission first studied the question of the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa. In that regard, it had before it the most recent report of its Special Rapporteur, Mr. Ahmed Khalifa (E/CN.4/Sub.2/1992/12 and Add.1).

2. Desirous of placing its future work in the context of the events taking place in South Africa, in resolution 1992/6 of 21 April 1992, the Subcommission recommended that the Commission on Human Rights should appoint a special rapporteur from among the members of the Subcommission to report on the progress towards democracy, equality and social justice in South Africa. The task of the special rapporteurs would include:

(a) Steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa;

(b) Steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how this problem is being addressed;

(c) Steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands;

(d) Steps taken to ensure the enjoyment by all South Africans, without discrimination, of economic and social rights;

(e) An analysis of the obstacles preventing the democratization of South Africa and ways and means of eliminating them.

3. The Subcommission also studied with considerable interest the question of measures to combat racism and racial discrimination. In this regard, it adopted resolution 1992/5, in which it expressed its deep concern at the information contained in the report of the Secretary-General (E/CN.4/Sub.2/1992/11) about serious events attributable to racism, racial discrimination and xenophobia that take place in any part of the world. Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them, the Subcommission recommends that the Commission on Human Rights should appoint a special rapporteur to address the issue of contemporary forms of racism, racial discrimination and xenophobia.

B. General Assembly

4. At its forty-seventh session, the General Assembly, in connection with its consideration of the agenda item on the implementation of the Programme of Action for the Second Decade, had before it a report by the Secretary-General on the launching of a third decade to combat racism and racial discrimination (A/47/432). Following its consideration of the document, the General Assembly adopted resolution A/C.3/47/L.3/Rev.1. It decided that the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid and intensify their efforts, during the latter part of the Second Decade to Combat Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid. It appealed to all Governments and to international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils.

5. The General Assembly regretted that most of the activities scheduled for the period 1992-1993 have not been implemented because of lack of financial resources and called upon the international community to provide the Secretary-General with appropriate financial resources for an efficient action against racism and racial discrimination. The General Assembly also took note of the report of the Secretary-General on the launching of a third decade to combat racism and racial discrimination and requested him to prepare a draft programme of action for the third decade and to submit it to the General Assembly at its forty-eighth session. This programme should include those elements of the Programme of Action for the Second Decade that have not been implemented. The General Assembly further requested the Secretary-General to accord the highest priority to the activities of the programme of action for the third decade aimed at monitoring the transition from apartheid to a non-racist society in South Africa.

6. The General Assembly also invited the Commission on Human Rights, at its forty-ninth session, to recommend activities to be undertaken during the third decade to combat racism and racial discrimination.

7. Finally, it is important to draw the attention of the Commission to General Assembly resolution 47/80 relating to the ethnic cleansing and racial hatred by which the General Assembly, at its forty-seventh session, strongly rejected policies and ideologies aimed at promoting racial hatred and ethnic cleansing in any form.

C. Commission on Human Rights

8. At its forty-ninth session, the Commission on Human Rights considered the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination; it was informed of the report of the Secretary-General (E/CN.4/1993/55) submitted pursuant to its resolution 1992/8.

9. The Commission adopted resolution 1993/11 without a vote, in which it declared that all forms of racism and racial discrimination, particularly in

their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means. The Commission also invited all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils.

10. In that resolution, the Commission took note of the report of the Secretary-General (A/47/432) on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and the launching of a third decade to combat racism and racial discrimination. It recommends that activities such as those contained in the report of the Secretary-General be undertaken during the third decade to combat racism and racial discrimination and reviewed at mid-term. It also requests the Secretary-General, in preparing the draft programme of action for the third decade, to accord the highest priority to activities aimed at monitoring the transition from apartheid to a non-racist society in South Africa.

11. During its forty-ninth session, the Commission also considered various questions directly related to the elimination of racism and racial discrimination. It therefore adopted resolution 1993/18 concerning adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa. Through this resolution, it condemned the assistance rendered to South Africa, particularly in the military and nuclear fields, and expressed its conviction that this assistance constitutes a hostile act against the people of South Africa and the neighbouring States. The Commission also called upon all Governments to maintain measured and appropriate pressure against South Africa until agreement has been reached on transitional arrangements and modalities on the process of drawing up and adopting a new constitution and the holding of elections with a view to achieving an irreversible transition to a united, democratic and non-racial South Africa. The Commission decided to consider the issues raised by this resolution at its fiftieth session.

12. With regard to the situation of human rights in South Africa, the Commission also adopted resolution 1993/19, by which it authorized the Subcommission on Prevention of Discrimination and Protection of Minorities to name Ms. Judith Sefi Attah as Special Rapporteur, with the task of submitting annually a report on the transition to democracy in South Africa.

13. Finally, in its resolution 1993/20, the Commission decided, in the light of recent trends, to appoint, for a three-year period, a thematic special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and to request the Special Rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session. The Commission thus recommended the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/20 of 2 March 1993, approves the Commission's decision to appoint, for a three-year period, a thematic special rapporteur on contemporary forms of racism, racial

discrimination, xenophobia and related intolerance, also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform [his/her] functions, especially in carrying out missions and following them up, and further approves the Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fiftieth session."

D. Coordination activities for the implementation of the Programme of Action for the Second Decade - Committee on the Elimination of Racial Discrimination

(See E/CN.4/1993/55, paragraphs 13 to 15)

14. During its forty-first session, which was held in Geneva from 3 to 14 August 1992, the Committee on the Elimination of Racial Discrimination continued consideration of the draft model legislation against racism and racial discrimination prepared by the Secretary-General and drew up a series of proposals for possible inclusion in a programme of action for a third decade.

15. The draft model legislation against racism had previously been considered by the Committee at its fortieth session in 1991. Some members of the Committee had at the time stated that the draft should distinguish legislative provisions strictly speaking from guiding principles and other measures proposed in the text. In the view of some members, the draft legislation sought mainly to enforce the prohibition of racial discrimination through criminal provisions whereas the use of incentives, training and education would be more effective in combating racial discrimination. Members of the Committee had also commented that the part of the text dealing with recourse procedures should have differentiated more clearly between the different forms of racial discrimination and the different settings in which it occurs. For example, racial abuse or incitement to racial hatred were defined in many States as offences against public order and should be dealt with in the same way as other offences so defined. Since they required an immediate response, it was not appropriate for them to be reported to any independent national authority dealing with racial discrimination.

16. At its forty-first session the Committee drew attention to its previous comments, supplemented them with observations on both the form and substance of the draft model legislation and requested the Centre for Human Rights to revise the draft and to resubmit it to the Committee at its forty-second session.

17. The Committee also considered the question of the launching of a third decade to combat racism and racial discrimination and, in that connection, examined an informal document containing a list of 10 topics relating to action to combat racism and racial discrimination prepared by one of its members. The Committee requested that the document should be transmitted to the Commission to serve as a basis for considering the programming of activities in a possible third decade. The following themes have been proposed:

(a) The eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in it;

(b) The right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

(c) Political rights, including the participation of various racial groups in political processes and their representation in government service;

(d) Civil rights, including migration, nationality, freedom of opinion and association;

(e) Economic rights, including work, trade union membership and housing;

(f) Social and cultural rights, including health and education;

(g) Educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

(h) The protection of disadvantaged groups; this may include consideration of the position of indigenous peoples;

(i) The transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

(j) International cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nation bodies and petitions to treaty-monitoring bodies.

E. International Labour Organisation (ILO)

18. In 1992, the ILO continued to monitor and to disseminate information on developments in the social and labour fields in South Africa and to provide technical cooperation assistance to national liberation movements, and non-racial employers' and workers' organizations in South Africa, in terms of the Declaration concerning Action against Apartheid. The Group of Independent Experts to monitor sanctions and other action against apartheid examined the measures taken by ILO constituents to implement the Declaration and the Programme of Action. In addition, the Fact-Finding and Conciliation Commission on Freedom of Association considered a complaint concerning the labour laws in South Africa, and a special tripartite conference on southern Africa was convened by the Governing Body of ILO.

19. In February 1992 the Fact-Finding and Conciliation Commission visited South Africa. The Commission had been appointed by the ILO Governing Body to examine a complaint of infringements of trade union rights in the Republic of South Africa presented to ILO by the Congress of South African Trade Unions (COSATU) in May 1988. The issues raised in the complaint had already been satisfactorily

dealt with in legislation adopted in 1991, but the parties agreed that the Commission's terms of reference should be extended to enable it to deliberate on the situation in South Africa in so far as it related to labour matters in general and freedom of association in particular. The Commission heard submissions by the Department of Manpower; affiliates of COSATU; employers' organizations, including one representing farmers; the National Manpower Commission; the Public Service Association; the South African Police; and the Chairperson of the Convention for a Democratic South Africa (CODESA). The Commission's conclusions dealt with, inter alia, the need to extend the rights and protections provided under the Labour Relations Act to farm workers, domestic workers and public servants, all of whom were not adequately protected; defects in the Act itself, notably regarding the right to strike; the special problems posed for labour relations by the "homelands".

20. The report of the Fact-Finding and Conciliation Commission was noted by the Governing Body at its two hundred and fifty-third (May-June 1992) session, and was transmitted to the Economic and Social Council of the United Nations, which considered it at its Substantive Session of 1992. The Council noted "... with satisfaction the findings, conclusions and recommendations contained therein ..." and requested the Secretary-General to invite the Government of South Africa to report, no later than 31 December 1992, on the measures which it has taken to give effect to the recommendations contained in the said report, and thereafter at yearly intervals until the Economic and Social Council is satisfied that the said recommendations have been implemented; and further requested the Secretary-General to refer the Government's reports on this matter to the International Labour Office with the request that the latter transmit to the Council its advice and comments stemming from examination of the said reports; and invited ILO to provide technical cooperation assistance to the Government of South Africa, and to organizations of workers and employers, in the recasting of that country's labour relations system.

21. The 8th and 9th meetings of the Group of Independent Experts to follow up on and monitor the implementation of sanctions and other action against apartheid were held in March and April 1992. The 8th meeting considered the replies to the revised questionnaire on action against apartheid taken by ILO constituents. Amongst its conclusions, the group noted that an increasing number of Governments had eased their restrictive policies towards South Africa in response to the progress made in dismantling apartheid. Workers' organizations, however, had continued to exert pressure on companies and their own Governments to implement or maintain restrictive measures against South Africa. The 9th meeting of the Group took note of the progress made in publishing the studies on the coal embargo and on the effect of sanctions on employment, and held consultations with various non-governmental and intergovernmental bodies in order to assist in securing a high degree of coordination in the efforts of the international community to eradicate apartheid.

22. The reports of the 8th and 9th meetings of the Group of Independent Experts were considered by the Committee on Discrimination of the Governing Body which decided to recommend to the Governing Body that the term of office of the Group be extended by one year, with a renewed mandate focusing on the monitoring of the implementation of the Declaration concerning Action against Apartheid in South Africa.

23. As recommended by the Committee on Action against Apartheid of the International Labour Conference, the Governing Body of the ILO decided to convene a tripartite conference on southern Africa, and to accept the offer of the Government of Zimbabwe to hold the meeting in Harare from 5 to 8 May 1992. The Conference considered the social, economic and labour aspects of subregional integration in post-apartheid southern Africa, and recent developments regarding apartheid in South Africa. In its conclusions, the Conference recommended that the ILO programme of action in southern Africa should cover the issues of job creation, promotion of small business and cooperatives, vocational training, improvement of labour laws and labour standards, occupational health and safety, and labour migration. The ILO was urged to assist the countries in the region in setting up mechanisms for social and economic dialogue and constructive industrial relations. In South Africa, the ILO was requested to support the democratic trade unions' struggle to extend basic trade union rights to farm, domestic, and public sector workers, and those in the bantustans. The Conference recommended that the seventy-ninth session of the International Labour Conference take a decision that the ILO should prepare projects for technical assistance to South African employers' and workers' organizations, which projects could be implemented in South Africa after the creation of an interim government.

24. At its seventy-ninth session, the International Labour Conference endorsed the conclusions of the Harare Conference and noted the 1992 Special Report of the Director-General on Action against Apartheid. Chapter I of the Report reviewed recent developments in labour and social matters in South Africa. Chapter II summarized the information supplied by the ILO tripartite constituents concerning their action against apartheid. Chapter III provided the information on international action against apartheid. In addition to the Special Report, supplementary information was also provided in a separate document.

25. In order to give expression to the conclusions of the Harare and the International Labour Conferences, a number of proposals for workshops were drawn up, which, after appropriate consultation with workers' and employers' organizations, are scheduled to commence in 1993. The matters to be considered at the proposed workshops include labour relations in the public sector, in agriculture, and with respect to domestic workers; affirmative action; and the improvement of occupational health and safety in the mining industry. Conclusions of both Conferences dealt with the vital issue of education and training, and numerous requests for policy advice and technical inputs on this topic had already been received by the Office. In response to these, preparations are under way to conduct a study which could form the basis of a seminar on future vocational training policy.

26. With specific reference to conclusion 22 of the Harare Conference, which recommends the creation in South Africa of a tripartite economic and social body, the Office organized a trade union study tour to the ILO in Geneva from 14-19 June 1992, to examine economic policy questions. The week-long programme was arranged at the request of the Congress of South African Trade Unions (COSATU) and was undertaken by members of the negotiating team representing COSATU in the recently established tripartite Economic Forum. The participants discussed strategies for growth with equity; structural adjustment programmes;

employment creation; inter-firm cooperation; incomes policies; export processing zones; and human resource development programmes.

27. Other activities that relate to the implementation of the updated Declaration concerning Action against Apartheid were, inter alia, research and visits to the ILO by representatives of the National Liberation Movements, trade unions, and a non-racial employers' organization. These included two representatives of the cooperative movement in the Western Cape Province; an economist advising the ANC on trade and development policy; a trade unionist examining the potential for restructuring the chemical industry in South Africa; the General-Secretaries of both COSATU and the National Council of Trade Unions (NACTU); and members of the working group to establish a new non-racial employers federation in South Africa.

28. A workers education seminar on Trade Union Participation in the Development of Socio-Economic Policies in Post-Apartheid southern Africa was timed to coincide with the subregional conference held in Harare in May 1992. The seminar was attended by 15 participants from trade union organizations in Botswana, Lesotho, Mozambique, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe, and three representatives of international and regional trade union organizations. Given the progress made by the South African trade unions in establishing bipartite and tripartite negotiating forums on a wide range of socio-economic issues, two presentations were made by South African trade-unionist, in addition to presentations by ILO officials. Recommendations made by the seminar included suggestions for harmonization of laws regarding labour relations and investment throughout the subregion; for the promotion of workers' education and training; for the establishment of a subregional vocational training centre; for the formulation of an investment code in line with internationally accepted guidelines; and for tripartite consultation on programmes to create employment and on methods of dealing with unemployment.

29. In August 1992 a questionnaire requesting up-to-date information on action taken against apartheid for inclusion in the Special Report of the Director-General for 1993 was sent to Governments and to employers' and workers' organizations. The questionnaire was accompanied by an extract of the report of the Committee on Action against Apartheid in June 1992 reflecting the conclusions and recommendations adopted by that Committee and a copy of the updated Declaration concerning Action against Apartheid in South Africa. Requests for information on international action against apartheid were also addressed to the United Nations, its specialized agencies and other intergovernmental organizations. The information supplied by the constituents will be considered by the Group of Independent Experts before submission to the Governing body and subsequently to the Committee on Action against Apartheid of the International Labour Conference in June 1993. As usual, the Special Report of the Director-General will also deal with recent developments in labour and social matters in South Africa, and with international action against apartheid.

30. In 1992, the ILO continued to disseminate information on the labour and social situation under apartheid. It also continued to collaborate closely with other organizations within the United Nations system and with other intergovernmental, non-governmental, regional and subregional organizations within the framework of concerted efforts to eliminate apartheid.

31. The Discrimination (Employment and Occupation) Convention, 1958, (No. 111) has now received a total of 112 ratifications. The Employment Policy Convention, 1964 (No. 122) has now received 77 ratifications. With regard to migrant workers, the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) has received 39 ratifications. The Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) has 31 ratifications. The application of these Conventions gave rise to observations and comments by the Committee of experts on the Application of Conventions and Recommendations at its March 1992 session.

32. As regards indigenous and tribal peoples, the ILO has adopted the Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), with the participation of the United Nations and other specialized agencies, which also play a role in the supervision of these instruments. Conventions Nos. 107 and 169 have received 27 and 4 ratifications respectively. The Committee of Experts on the Application of Conventions and Recommendations has been able in the last few years to note that significant efforts are being made in a number of countries, particularly in Latin America, to review the way in which indigenous affairs are handled, and to accord to these peoples a greater degree of involvement in the decision-making process as it concerns them. New legislation - sometimes drafted with the technical assistance of the ILO and in one case of the Centre for Human Rights - has been adopted or is under consideration in several of these countries. A number of others, both in Latin America and elsewhere, are examining the possibility of ratifying Convention No. 169, and are carrying out a re-examination of their situation, sometimes with help from the ILO.

33. The ILO also carries out an expanding programme of technical cooperation and assistance for indigenous and tribal peoples. It does so, whenever possible, in cooperation with other international organizations. This work consists of assisting indigenous and tribal peoples to attain the capacity to manage their own affairs and to find employment-generating activities, while maintaining respect for their traditional cultures and ways of life. A second kind of assistance is provided to Governments, as well as to those directly affected, in drafting and implementing national law and administrative arrangements for indigenous affairs.

34. Finally, the ILO is closely involved in the arrangements for the International Year for the World's Indigenous People. The General Assembly has requested the ILO to participate in the coordination of activities for the International Year, with the Under-Secretary-General for Human Rights. For this purpose it is carrying out a number of specific activities as well as maintaining and reinforcing the activities it is already carrying out in this area.

35. Under the ILO educational and promotional programme for the elimination of discrimination and the promotion of equal opportunity in employment, a subregional tripartite seminar on promotion of equality of opportunity in employment for selected African countries was organized in Abidjan (Côte d'Ivoire) in October 1992. Similar seminars and national tripartite seminars will be organized in future.

36. The ILO has continued its research and publications programme, which has covered the elimination of discrimination in employment based on grounds such as race, ethnic origin, sex, religious beliefs or political opinions, as well as discrimination against migrant workers. In particular, notes and studies on new developments in various countries have appeared regularly in ILO publications such as the International Labour Review and the Social and Labour Bulletin.

37. The arrangements whereby the ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function, as in the past, in relation to discrimination in employment and occupation, indigenous and tribal populations, migrant workers and basic aims and standards of social policy, particularly through ILO collaboration with the United Nations Commission on Human Rights, the Subcommittee on the Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination, the Commission on the Status of Women, the Committee on the Elimination of Discrimination Against Women, as well as with the Centre for Social Development and Humanitarian Affairs, the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women and the United Nations Development Programme.

F. International Day for the Elimination of Racial Discrimination

38. On the occasion of the International Day for the Elimination of Racial Discrimination, the Centre for Human Rights and the Information Service of the United Nations Office at Geneva organized a meeting on Monday, 22 March 1993, at the Palais des Nations.

39. The meeting was attended by members of the United Nations Secretariat, representatives of the diplomatic corps accredited to the United Nations Office at Geneva and NGO representatives.

40. The theme selected for the commemoration of the Day was "Racism, racial discrimination, xenophobia and violence: what can the United Nations do?"

41. Presided over by Mr. Ibrahima Fall, Assistant Secretary-General for Human Rights, the meeting opened with a statement by Mr. Vladimir Petrovsky, Director-General of the United Nations Office at Geneva. Mrs. Sadiq Ali, Vice-Chairman of the Committee on the Elimination of Racial Discrimination, and Mrs. Edith Ballantyne, President of the Women's International League for Peace and Freedom, also spoke.

42. In an opening statement, Mr. Fall noted that the efforts of the world community had neither fully eradicated either apartheid or racism in general, nor averted the reappearance of racism and racial discrimination against minorities, ethnic groups, migrant workers, indigenous peoples, refugees and religious groups, adding that the renewed resurgence of nationalism and ethno-centric nationalism as well as tribalism had its roots in the still fertile soil of racism and xenophobia.

43. He then outlined the framework for United Nations activities against racism and racial discrimination in the years ahead, citing the activities undertaken in that field by the Secretary-General, the General Assembly of the United Nations the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In particular he drew attention to the provisions calling for the launching of a third decade against racial discrimination adopted by the General Assembly at its forty-seventh session, and referred to the draft programme of action for the third decade proposed by the Secretary-General. He also referred to the relevant resolutions adopted by the Commission on Human Rights at its forty-ninth session with a view to stamping out racism and racial discrimination.

44. Mr. Petrovsky, in his opening statement, stressed that the prevention of racism was primarily a struggle against ignorance and intolerance and noted the urgent need for a renewed commitment by all to eradicate the root causes of racism and racial discrimination. He also called on Governments, the specialized agencies of the United Nations system, in particular UNESCO, the ILO, and non-governmental organizations to redouble their efforts to eliminate what was undoubtedly one of the most repugnant and pernicious forms of human rights violation.

45. Mrs. Sadiq Ali, in her statement stressed the positive impact that the International Convention on the Elimination of All Forms of Racial Discrimination had had on the legislation of the States parties to the Convention. She noted the adoption of the following measures:

Some national constitutions had been amended in order to incorporate provisions prohibiting racial discrimination;

States parties had undertaken systematic reviews of their legislation to amend any laws or regulations which had the effect of perpetuating racial discrimination, or to enact new legislation to satisfy the requirements of the Convention;

Some States had amended their legislation at the suggestion of the Committee, for example, one State had repealed a law which stipulated that a person must understand the national language in order to be entered on the electoral roll;

Some States had added new provisions to their penal legislation, making racial discrimination a punishable offence, or had amplified previous legislation. Nearly half of those States which were parties to the Convention had enacted new laws designed to bring their legal norms into greater conformity with the provisions of article 4 (a) and (b) of the Convention; i.e. to punish acts of incitement to racial discrimination and declare illegal racist organizations and racist propaganda;

Some States had enacted new legislation to give effect to the provisions of various sections of article 5 and pressure had been applied to many States to get them to attend to the standards specified in that important article;

Some States parties had initiated educational programmes in accordance with article 7 to combat prejudices which led to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnic groups;

Some States had established new administrative agencies or new offices such as ombudsmen or commissions to deal with the problems of racial discrimination and to protect the interests of indigenous groups.

46. She recalled, however, that recent events had tragically demonstrated that no State, regardless of its political or socio-economic system, was secure against the appearance of racial hostilities. That made it mandatory to look more deeply into the historical, political, economic and cultural causes of racial discrimination so as to be in the position to get at its roots. The Committee was committed thereto.

47. Mrs. Ballantyne stressed the economic aspects of discrimination: one of the reasons why discrimination on the grounds of race, colour, descent or national or ethnic origin persisted was that its economic causes had never been addressed: there was generally a reluctance to tackle economic inequalities, which were growing by leaps and bounds.

48. She noted that wherever there were economic difficulties, particularly unemployment and erosion of social security, the dominant group resorted to racism, xenophobia, discrimination on grounds of ethnic difference in the mistaken belief that they would be able to hold on to what they had, or for the less lucky of the group to gain what they accused the "others" of taking from them. And she proposed to begin a serious investigation of the economic roots of those different forms of discrimination, because there was a fundamental link between the economic and social aspects of racism that needed to be exposed.

49. In the general debate, the representative of the Organization of African Unity, Mr. Venant Wege-Nzomwita, condemned the dilatory tactics of the South African Government in holding out to the black majority enticing promises that were never fulfilled. Accordingly, on behalf of Africa, he appealed to the international community to continue exerting the necessary pressure on South Africa, to bring that country to commit itself irrevocably to the process of change and to negotiate in good faith for the immediate establishment of an interim government and an elected constituent assembly for drafting the new democratic constitution of the country.

50. It was also suggested that greater attention should be accorded to positive acts for consolidating harmonious relations within multi-ethnic or multi-racial societies, rather than emphasizing the acts carried out by those who sought to foster division.

51. The day of commemoration made clear the need to mobilize individuals, Governments and organizations of various kinds in order to check the current resurgence of racism and racial discrimination and coordinate action to that end.

G. Seminars and workshops

52. The meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination, authorized by the Economic and Social Council in its decision 1990/224, took place in Sydney, Australia, from 19 to 23 April 1993. The meeting was organized by the Centre for Human Rights in cooperation with the Australian Human Rights and Equal Opportunity Commission, and the following institutions and organizations were invited to participate: the Human Rights and Equal Opportunity Commission (Australia); the Aboriginal and Torres Strait Islander Commission (Australia); the Human Rights Commission (Benin); the Council for the Protection of Human Rights (Brazil); the National Human Rights and Freedoms Committee (Cameroon); the Canadian Human Rights Commission (Canada); the State Nationalities and Minorities Commission (China); the Consumer Ombudsman (Denmark); the National Advisory Commission on Human Rights (France); the Defence Commissioner for the German Bundestag (Germany); the Commission for Racial Equality (United Kingdom); the Civil Liberties Bureau (Japan); the Commission on Castes and Scheduled Tribes (India); the Human Rights Commission (Mexico); the Advisory Council on Human Rights (Morocco); the Human Rights Commission (New Zealand); the Ombudsman (Pakistan); the National Council on Human Rights (Peru); the Human Rights Commission (Philippines); the Acting Parliamentary Ombudsman (Sri Lanka); the Human Rights Commission (Russian Federation); the People's Counsel (Spain); the Commission of Inquiry into Human Rights Violations (Uganda); and the United States Commission on Civil Rights (United States of America).

53. The States Members of the United Nations as well as non-governmental organizations and individuals were invited to send representatives or observers to the meeting.

54. The meeting focused on four major themes:

(a) Racism, racial discrimination and national institutions: overview and theoretical issues;

(b) National institutions and organizations; their role in the promotion of tolerance and harmonious relations within society;

(c) Legislation against racism and racial discrimination, and the link with national institutions;

(d) Creation of national institutions and strategies to counter racism and racial discrimination.

55. All those points were considered on the basis of the situation of the following vulnerable groups: ethnic and racial groups, indigenous peoples, and migrant workers and their families.

H. Studies and publications

56. The following series prepared by the Secretary-General of the United Nations will be issued during 1993:

(a) As indicated above (para. 14), the Committee on the Elimination of Racial Discrimination has concluded its consideration of draft model legislation on which Governments could base new laws against racism and racial discrimination. The final text, reflecting the Committee's comments, was transmitted to the competent services for editing and issuance.

(b) The technical study on the effects of article 27 of the International Covenant on Civil and Political Rights in terms of providing guarantees of equality to members of minorities is being prepared for issuance.

II. TRUST FUND FOR THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

57. Since the previous report of the Secretary-General (E/1992/66), the following States have made contributions to the Trust Fund for the Second Decade: Bangladesh: $449; St. Vincent and the Grenadines: $1,000. As at 12 November 1992, the available balance was $39,137. The current situation of the Trust Fund is still far from encouraging, notwithstanding repeated appeals made by the General Assembly, the Economic and Social Council and the Secretary-General for additional contributions. It is essential for substantial contributions to be paid into the Fund on a regular basis if effective action is to be taken against racism and racial discrimination.

III. DRAFT PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (1993-2003)

58. The draft which follows is submitted to the Council for its consideration after being revised in light of observations made in the General Assembly and the Commission on Human Rights. It also contains proposals from the Committee on the Elimination of Racial Discrimination.

Draft programme of action for the third decade to combat racism and racial discrimination (1993-2003)

A. Introduction

1. It is suggested that the goals and objectives of the third decade to combat racism and racial discrimination be those adopted by the General Assembly for the first Decade and contained in paragraph 8 of the annex to General Assembly resolution 3057 (XXVIII):

> "The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, dissent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes

and contribute to the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination; and to put an end to racist regimes."

2. In drawing up suggested elements for the programme of action for the third decade, account has been taken of the fact that current global economic conditions have caused many Member States to call for budgetary restraint, which in turn requires a conservative approach to the number and type of programmes for action which may be considered at this time. The Secretary-General also took into account the relevant suggestions made by the Committee on the Elimination of Racial Discrimination at its forty-first session. The elements presented below are suggested as those which are essential, should resources be made available to implement them.

B. Measures to ensure a peaceful transition from apartheid to a democratic, non-racial regime in South Africa

3. Recently, there have been signs of change in South Africa, notably the abolition of such legal pillars of apartheid as the Group Areas Act, the Land Areas Act and the Population Registration Act. Although there is reason to be hopeful that South Africa is moving into the mainstream of the international community, the transition period may prove to be difficult and dangerous. Fierce political competition between political parties and ethnic groups has in fact already lead to bloodshed.

4. The General Assembly and the Security Council should therefore continue to exercise constant vigilance with regard to South Africa until a democratic regime is installed in that country. These two bodies might, moreover, consider initiating a mechanism to advise and assist the parties concerned in order to bring apartheid to an end not only in law but also in fact. Reference should be made to Security Council resolution 765 (1992) urging the South African authorities to bring an effective end to the violence and bring those responsible to justice.

5. The Assembly may also wish to continue to examine the relevant work undertaken by the established United Nations bodies in the fight against apartheid, i.e. the Special Committee against Apartheid, the Group of Three and the Ad Hoc Working Group of Experts on southern Africa.

C. Measures to remedy the legacy of cultural, economic and social disparities left by apartheid

6. Action will be needed to rectify the consequences of apartheid in southern Africa, since the policy of apartheid has entailed the use of State power to increase inequalities between racial groups. The knowledge and experience of human rights bodies dealing with racial discrimination could be most useful in promoting equality. Assistance to the victims of the political antagonisms resulting from the process of dismantling

apartheid must also be given the greatest attention, and international solidarity on their behalf should be intensified.

7. The Centre for Human Rights could offer technical assistance in the field of human rights to South Africa during and after the transition period. A cycle of seminars intended to encourage the advent of an egalitarian society could be envisaged, in cooperation with the specialized agencies and United Nations secretariat units concerned, which could include the following:

(a) Seminar on measures to be taken on behalf of the disadvantaged groups in South African society in the cultural, economic and social fields ("positive discrimination");

(b) Seminar on the effects of racial discrimination on the health of members of disadvantaged groups;

(c) Training courses in human rights for the South African police force, military and judiciary.

8. In addition, and in cooperation with the democratically elected South African Government, UNESCO might undertake a project for the total revision of the South African education system in order to eliminate all methods and references of a racist character.

D. Action at the international level

9. During the discussion in the Economic and Social Council at its substantive session of 1992 on the Second Decade to Combat Racism and Racial Discrimination, many delegations expressed their concern with regard to new expressions of racism, racial discrimination, intolerance and xenophobia in various parts of the world. In particular these affect the minorities, ethnic groups, migrant workers, indigenous populations, nomads, immigrants and refugees.

10. The biggest contribution to the elimination of racial discrimination will be that which results from the actions of States within their own territories. International action undertaken as part of any programme for the third decade should therefore be directed so as to assist States to act effectively. The International Convention on the Elimination of All Forms of Racial Discrimination has established standards for States, and every opportunity should be seized to ensure that these are universally accepted and applied.

11. The Assembly could consider more effective action to ensure that all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination fulfil their reporting and financial obligations. National action against racism and racial discrimination could be monitored and improved by requesting an expert member of the Committee on the Elimination of Racial Discrimination to prepare a report on obstacles encountered with respect to the effective implementation of the Convention by States parties and suggestions for remedial measures.

12. The Assembly may wish to propose the holding of regional workshops and seminars. A team from the Committee should be invited to monitor these meetings. The following themes are suggested for the seminars:

(a) Seminar to assess the experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The seminar would also assess the efficiency of national legislation and recourse procedures available to victims of racism;

(b) Seminar on the eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in them;

(c) Seminar on the right to equal treatment before tribunals and other judicial institutions, including the provision of reparation for damages suffered as a result of discrimination;

(d) Seminar on the transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

(e) Seminar on immigration and racism;

(f) Seminar on international cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies;

(g) Seminar on the enactment of national legislation to combat racism and racial discrimination affecting ethnic groups, migrant workers and refugees (in Europe and North America);

(h) Seminar on flows of refugees due to ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition (Eastern Europe, Africa and Asia) and their link with racism in the host country;

(i) Training course on national legislation prohibiting racial discrimination for nationals from countries with and without such legislation;

(j) Regional seminars on nationalism, ethno-nationalism and human rights could also provide an opportunity for broadening knowledge of the causes of today's ethnic conflicts and particularly of the so-called policy of "ethnic cleansing", in order to provide solutions.

13. The Assembly may wish to propose to the Department of Public Information of the United Nations Secretariat that it undertake specific activities that could be carried out by Governments and relevant national non-governmental organizations to commemorate the International Day for the Elimination of Racial Discrimination on 21 March each year. Support should be sought from artists as well as religious leaders, trade unions,

enterprises and political parties to sensitize the population on the evils of racism and racial discrimination.

14. The Department of Public Information may also publish its posters for the third decade and informative brochures on the activities planned for the decade. Documentary films and reports, as well as radio broadcasts on the damaging effects of racism and racial discrimination should, moreover, be considered.

15. In cooperation with UNESCO and the Department of Public Information, the General Assembly could support the organization of a seminar on the role of mass media in combating or disseminating racist ideas.

16. In cooperation with the ILO, the possibility of organizing a seminar on the role of trade unions in combating racism and racial discrimination in employment could be explored.

17. The General Assembly could consider requesting UNESCO to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.

18. The General Assembly may also wish to call upon Member States to make special efforts to:

(a) Promote the aim of non-discrimination in all educational programmes and policies;

(b) Give special attention to the civic education of teachers. It is essential that teachers be aware of the principles and essential content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities;

(c) Teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by fascist and other totalitarian regimes, and more particularly of the crimes of apartheid and genocide;

(d) Ensure that curricula and textbooks reflect anti-racist principles and promote intercultural education.

E. Action at the national and regional levels

19. The following questions may be addressed in the context of action to be undertaken at the national and regional levels: have there been any successful national models to eliminate racism and racial prejudices that could be recommended to States, e.g. for educating children, or principles of equality to tackle racism against migrant workers, ethnic minorities, indigenous peoples etc.? What kind of affirmative action programmes are

there at the national or regional level to redress discrimination against specific groups?

20. The General Assembly may wish to recommend States that have not yet done so to adopt, ratify and implement legislation prohibiting racism and racial discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

21. The General Assembly could recommend Member States to review their national programmes to combat racial discrimination and its effects in order to identify and to seize opportunities to close gaps between different groups, and especially to undertake housing, educational and employment programmes that have proved to be successful in combating racial discrimination and xenophobia.

22. The Assembly could recommend that Member States encourage the participation of journalists and human rights advocates from minority groups and communities in the mass media. Radio and television programmes should increase the number of broadcasts produced by and in cooperation with racial and cultural minority groups. Multicultural activities of the media should also be encouraged where they can contribute to the suppression of racism and xenophobia.

23. The General Assembly could recommend regional organizations to cooperate closely with United Nations efforts in combating racism and racial discrimination. Regional organizations dealing with human rights issues could mobilize public opinion in their regions against the evils of racism and racial prejudices directed towards disadvantaged racial and ethnic groups. These institutions could serve an important function in assisting Governments to enact national legislation against racial discrimination and promote adoption and application of international conventions. Regional human rights commissions should be called upon to publicize widely basic texts on existing human rights instruments.

F. Basic research and studies

24. The long-term viability of the United Nations programme against racism and racial discrimination will depend in part on continuing research into the causes of racism and into the new manifestations of racism and racial discrimination. The General Assembly may wish to examine the importance of preparing studies on racism. Following are some aspects to be studied:

(a) Study of the application of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Such a study might assist States to learn from one another the national measures undertaken to implement the Convention;

(b) Study of the economic factors contributing to perpetuation of racism and racial discrimination;

(c) Integration or preservation of cultural identity in a multiracial or multi-ethnic society;

(d) Study of political rights, including the participation of various racial groups in political processes and their representation in government service;

(e) Study of civil rights, including migration, nationality and freedom of opinion and association;

(f) Study of educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

(g) Studies of the socio-economic costs of racism and racial discrimination;

(h) Global integration and the question of racism and the nation State;

(i) National mechanisms against racism and racial discrimination in the fields of immigration, employment, salary, housing, education and ownership of property.

G. Coordination and reporting

25. It may be relevant to recall that in its resolution 38/14 of 2 November 1973 proclaiming the Second Decade to Combat Racism and Racial Discrimination, the General Assembly charged the Economic and Social Council with coordinating the implementation of the programme and evaluating the activities. The Assembly may wish to consider the following steps to strengthen the United Nations input into the third decade to combat racism and racial discrimination:

(a) The General Assembly may wish to entrust the Economic and Social Council or the Commission on Human Rights, in cooperation with the Secretary-General, with the responsibility for coordinating the programmes and evaluating the activities undertaken in connection with the third decade;

(b) The Secretary-General could be invited to provide specific information on activities against racism, to be contained in one annual report which would be comprehensive in nature and allow a general overview of all mandated activities. This would facilitate coordination and evaluation;

(c) An open-ended working group of the Commission on Human Rights, or other appropriate arrangements under the Commission, may be established to review decade-related information, on the basis of annual reports referred to above, as well as relevant studies and reports of seminars, so as to assist the Commission in formulating appropriate recommendations to the Economic and Social Council on particular activities, allocation of priorities, etc.

26. Furthermore, an inter-agency meeting might be organized immediately after the proclamation of the third decade, in 1994, with a view to planning working meetings and other activities.

H. Regular system-wide consultations

27. On an annual basis, consultations between the United Nations, specialized agencies and non-governmental organizations would take place to review and plan decade-related activities. In this framework, the Centre for Human Rights would organize inter-agency meetings to consider and discuss further measures to strengthen the coordination and cooperation of programmes related to the issues of combating racism and racial discrimination.

28. The Centre for Human Rights would also strengthen the relationship with non-governmental organizations fighting against racism and racial discrimination by holding consultations and briefings with the non-governmental organizations. Such meetings could help them to initiate, develop and present proposals regarding the struggle against racism and racial discrimination.

29. Should the General Assembly approve the suggested elements of the programme of action for the third decade, the Secretary-General would include the activities to be carried out during the decade, as well as the related resource requirements in the proposed programme budgets, which will be submitted biennially, during the decade, starting with the proposed programme budget for the biennium 1994-1995.